



**MINUTES OF SPECIAL JOINT MEETING OF  
THE CITY COUNCIL/REDEVELOPMENT  
AGENCY OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, December 18, 2001, 8:00 p.m.**

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**MEETING**

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Henson.

**ROLL CALL**

Mayor Cooper announced that Council/RA Member Hilson was absent on City business.

Present: COUNCIL/RA MEMBERS Jimenez,  
Rodriguez, Ward, Dowling, Henson  
MAYOR/CHAIR Cooper  
Absent: COUNCIL/RA MEMBERS: Hilson

**PRESENTATION: Pride in Hayward Award**

The following residents in the Harder/Tennyson Neighborhood were honored with the final Pride in Hayward Award for 2001: Raul Luna and Gladys Rodriguez; Alfonso and Marina Lopez; Earl and Linda Reilly; Richard and Penelope Oregon; Edna Millskline and Robert Kline.

Mayor Cooper cautioned all to refrain from storing fertilizers, insecticides and other gardening items on front porches or in areas that may be hazardous for small children.

**PUBLIC COMMENTS**

John Kyle, a 41-year resident in the Longwood neighborhood, read a letter previously sent to the Daily Review.

Francisco Abrantes commented on housing and the Mello Roos tax regulation.

Roy Gordon announced that he is a candidate for Council. He spoke in favor of Mayor Cooper's and Council Member Dowling's involvement in activities that were criticized by previous speakers. He commented on various topics and spoke against the Council salary increase.

Jim Drake asked if City Manager Armas owned stock in Calpine. He commented on various topics including Calpine energy project, safety concerns at the Harder railroad crossing, the Strafford neighborhood, and safe places for children to play.

Jason Moreno commented favorably on several City employees.

Robert Lopez commented on his efforts toward a Cesar Chavez holiday.

**DRAFT**

Barbara Heringer-Swarr read from a book regarding city redevelopment and eminent domain.

Sheila Junge commented on downtown parking related to the use of the City's parking garage by new homeowners in the area for auxiliary parking as well as employees of businesses, who park all day in front of that business.

Maria Reyes commented that for the past two years, her family has been trying to purchase a home, but has been unable to due to high prices of homes. She asked that the Cannery area project include more than 15% affordable housing so that families as hers can afford to remain in Hayward.

Ben Kalka, expressed his concerns for his property at Mohr and West, which is in the unincorporated Hayward. For the past 13 years he has been working with the City's Planning Department in regards to annexation.

Mayor Cooper referred this matter to City Manager Armas and asked that he meet with Mr. Kalka.

Council Member Ward noted that he did respond to Mr. Kalka's email.

Doug Sprague commented on his attendance at a meeting recently held regarding the Calpine Energy Center. His comments expressed concern on the monitoring of the atmosphere during operations, the lack of concerns related to cancer causing pollutants, and other issues that could adversely affect the community. He asked that approval of the power plant be removed from the fast track to better consider the impacts of this project.

City Manager Armas responded that the current project is in the approval stage.

## **CONSENT**

Items 2, 3 and 5 were removed for further discussion and separate vote.

### **1. Approval of Minutes of the City Council Meeting of December 11, 2001**

It was moved by Council Member Henson, seconded by Council Member Rodriquez, and carried, with Council Member Hilson absent, to approve the minutes of the City Council Meeting of December 11, 2001.

### **2. Water Pollution Control Facility Improvements – Phase I: Authorization for Execution of a Professional Design Services Agreement**

Staff report submitted by Deputy Director of Public Works/Utilities Ameri, dated December 18, 2001, was filed.



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Council Member Ward indicated that he would be abstaining due to his business relationships with the consultants.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and carried to introduce and adopt the following by this roll call vote:

AYES: Council Members Jimenez, Rodriquez, Dowling,  
Henson  
MAYOR/CHAIR Cooper  
NOES: Council Members: None  
ABSENT: Council Member Hilson  
ABSTAINED: Council Member Ward

Resolution 01-180, "Resolution Authorizing the City Manager to Execute a Professional Design Services Agreement Between the City of Hayward and Brown and Caldwell for the Water Pollution Control Facilities Improvements- Phase I, Projects Nos. 7512, 7513, 7514, 7515 and 7651"

**3. Resolution Concerning Military Leave of Absence**

Staff report submitted Human Resources Director Beth Perrin-Scales, dated December 18, 2001, was filed.

Council Member Jimenez said he would pray for the safe return of the ten employees.

Council Member Dowling questioned the accrued vacation issue.

It was moved by Council Member Jimenez, seconded by Council Member Ward, and unanimously carried with Council Member Hilson absent to adopt the following:

Resolution 01-181, "Resolution Establishing a Policy to Provide City Salary to Reservist City Employees Involuntarily Called to Active Military Duty"

**4. Sidewalk Rehabilitation and Wheelchair Ramps: Award of Contract**

Staff report submitted by Deputy Director of Public Works Bauman, dated December 18, 2001, was filed.

**DRAFT**

It was moved by Council Member Henson, seconded by Council Member Rodriquez, and carried with Council Member Hilson absent, to adopt the following:

Resolution 01-179, "Resolution Awarding Contract to Ramsome Company for the Construction of Wheelchair Ramps and Sidewalk Repairs at Various Locations for Project Nos. 5108 and 6917 for the Schafer Park Area, District 4"

5. Request for Proposal to Engage a Consultant to Evaluate the Formation of an Electric Utility Owned by the City

Staff report submitted by City Manager Armas, dated December 18, 2001, was filed.

Council Member Dowling asked about the lack of an estimate for the contract.

City Manager Armas said staff first wanted to look at the scope of services and determine what expense the City would incur.

Council Member Ward raised the question as to whether there is a consultant who is capable of doing this.

City Manager Armas confirmed that there are firms who have solicited their services for a project such as this.

Council Member Henson asked whether the consultants would be restricted to a time line.

City Manager Armas said the City should take this in a very careful, contemplative time-frame. The 24-months of the construction period should be enough time to evaluate the reality of the formation of the proposal.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and unanimously carried, with Council Member Hilson absent, to approve the issuance of a Request for Proposals (RFP) soliciting consulting firms to assist the City in evaluating its options for forming an electric utility owned by the City by the following roll call vote:

## HEARINGS

6. Zone Change No. PL-2001-0193 - Rezoning to Planned Development (PD) District, Modification and 12 Month Extension of Tentative Map Tract 7040 - O'Neil Commons Development, LLC (Applicant/Owner) - Request to Modify an Approved 14-Unit Residential Condominium Subdivision into a Townhouse Subdivision including the Approval of a



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Planned Development (PD) District - The Property is Located at 24709 O'Neil Avenue, North of Orchard

Staff report submitted by Consulting Project Planner Weisbrod, dated December 18, 2001, was filed.

Principal Planner Patenaude noted that the owner is requesting to change the project from a condominium project to a townhouse project. He noted that it does not affect the appearance, but only changes the ownership of the individual properties. Staff recommends approval of the 12-month extension to the tentative map for Tract 7040.

Council Member Jimenez questioned the applicant's statement that a condominium would be more marketable than a townhouse. He asked for substantiation of the statement. He was told staff had found this to be the case.

Council Member Henson commented on the open space area that includes balconies and backyards.

Principal Planner Patenaude indicated that in a multi-family group, staff looks for open space and private open space. Because these units provide private open space with the rear yards, it was decided that group open space would not be required.

Council Member Henson then asked about the second-floor balcony. He asked if there was any special attention to incidents of balcony safety. He was told that staff reviews the construction that requires the latest building requirements and balconies today are not too cantilever, but more over the first floor for security.

City Attorney O'Toole explained that there is a statutory period of limitations for defects that runs for 10-years for any latent defects that are not readily apparent, from any development, whether condominiums or townhomes.

Council Member Ward asked about the Negative Declaration prepared in 1998 would still be valid today. He was told that it has been determined that this project does not impact at any greater level than when the first Negative Declaration was prepared for the General Plan. Principal Planner Patenaude noted that the Negative Declaration was reviewed by staff from various offices, including Traffic and Planning.

Mayor Cooper opened the public hearing at 9:06 p.m.

Jason Moreno commented on the need for recreational space for this project and asked that the developer be required to include this.

**DRAFT**

Jim Drake pointed out the differences between townhouse and condominiums

City Attorney O'Toole noted that with this proposal lending might be easier. He again reiterated his comments regarding the 10-year statutory limit for latent-building defects.

Mayor Cooper closed the public hearing at 9:08 p.m.

It was moved by Council Member Ward, seconded by Council Member Jimenez, and unanimously carried, with Council Member Hilson absent, to introduce and adopt the following:

Introduction of Ordinance 01-\_\_, "Ordinance Amending the Zoning District Map in Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Considered in Connection with Zone Change Application 2001-0193"

Resolution 01-182, "Resolution Approving Zone Change Application No. PL 2001-0193 to Rezone Property Located at 24709 O'Neil Avenue and Approving 12-month Extension of Tentative Tract Map 7040"

## **LEGISLATIVE BUSINESS**

7. Authorization to Enter into an Exclusive Negotiating Agreement with Cannery Community Partners, LLC, for a Proposed Development at the Former Cannery Site

Staff report submitted by Redevelopment Director Bartlett, dated December 18, 2001, was filed.

Redevelopment Director Bartlett depicted the site involved and responded to questions related to the exclusive negotiating agreement.

Council/RA Member Jimenez confirmed that the Water Tower Park means that it will remain, and that it would include a park in the middle of a development

Council/RA Member Ward commented regarding his concern that the designated affordable housing will continue to be affordable. He wondered whether the Council could limit the first buyer and safeguard future sales of that property. He was told that when staff brings back a development agreement, a safeguard can be discussed at that time. He then discussed the Phase One development and whether there was confidence that the partners have school architectural experience. He noted the need to be sensitive to the needs of education and school districts.

City Manager/Executive Director Armas explained that the School District has experience with new development. He commented on the Blue Rock subdivision campus and noted the Delaine Eastin School in Union City as a two-story campus.



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Council/RA Member Dowling asked why others did not apply and whether there had been any response from the School District. He was told the School District was very interested in working with city Redevelopment Agency and Developer. The District expressed no major concerns.

Council/RA Member Dowling then asked whether staff has talked to the staff in Alameda Point or in other cities with similar projects. He also asked about the carriage house-type home, a smaller unit situated behind the live-work units. These were described as a further transition between housing and non-residential units.

He was told that this developer has experience in large developments and that staff will take field trips to see their other projects.

City Manager/Executive Director Armas commented that Phase I needs to begin with public improvements because Burbank School is already seriously impacted. The new school would be completed first. The applicant has also incorporated some housing into the initial phase to generate some revenue. He noted that there are clear deadlines and time frames, with lots of pre-development work, and environmental issues.

Council Member Henson emphasized the need for continued affordability. He discussed the potential for further retail in the proposal.

Council Member Ward expressed concern regarding the need for residents in the western end of the area to have to drive to basic services. He said they might need to look to a designated mixed use. He asked about the tax increment revenue usage throughout the area.

City Manager/Executive Director Armas discussed the cost of the infrastructure and the need for funding. He noted that dollars raised could be used in any part of the Redevelopment Agency. He then discussed the design plans and other uses for the present school facility as a community center or use of the play field as a single-family development. This will be discussed by the three agencies this week.

Council/RA Member Rodriguez commented on the area designated for affordable housing. She noted that the percentage required for the area could be increased. Redevelopment Director Bartlett explained that the requirement is for the entire area and could be expanded.

City Manager/Executive Director Armas explained that staff might prepare a newsletter to keep the neighborhood appraised and the activity currently happening. He also noted that this might lend itself to periodic updates on the website for people to view at their convenience.

**DRAFT**

RA/Council Member Jimenez suggested the proposal might need to add language to extend it.

City Manager/Executive Director Armas explained that they are trying to maintain their focus on the progress. It is a tight deadline but realistic.

Mayor/Chair Cooper opened the public hearing at 9:41 p.m.

Francisco Abrantes asked about funding for the increase in acreage of Cannery Park and for an estimate of the number of students. He was told there would be approximately 900 students at the school, and a green space for the children at the school.

Jason Moreno commented that police would not be able control drug trafficking with the size of the area.

Barbara Swarr asked who was the current property owner in the area, and were they interested in a joint partnership and was it offered to them. She was told it was. She discussed the financing for the area and the extra services that will be needed in the area.

Sheila Junge discussed affordable units and strongly encouraged making that happen. She asked for consideration of making many of these rental units so they could maintain affordability. She encouraged the Agency to do both.

Mayor/Chair Cooper closed the public hearing at 9:50 p.m.

Council/RA Member Dowling commented that various other fees would go into the General Fund.

Council Member Henson asked for a safeguard to maintain affordability be included in the motion as well as naming one of the prominent streets in the new development for Dr. Martin Luther King. This was agreed to.

Council Member Ward commented that about the complex nature of the development. He suggested that the architecture and design standard was the most important feature of the development.

It was moved by Council/RA Member Jimenez, seconded by Council/RA Member Ward, and carried unanimously, with Council Member Hilson absent, to approve the recommendation and include a safeguard for continued affordability and availability of those units and that as part of this six-month plan there be a consideration to name one of the new streets in honor of Dr. Martin Luther King.





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RA Resolution 01-15, "Resolution Authorizing the City Manager to Execute an Exclusive Negotiation Agreement Between the City of Hayward and Cannery Community Partners, LLC for a Proposed Development at C, Filbert, Myrtle and Winton Avenue"

**COUNCIL REPORTS**

There were no Council Reports.

**ADJOURNMENT**

Mayor/Chair Cooper adjourned at 9:56 p.m.

**APPROVED:**

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Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency

**ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward  
Secretary, Redevelopment Agency

**DRAFT**